

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

BARRY W. THOMAS,

Plaintiff,

CASE NO. 3:05-cv-507-C

v.

LEVEL 3 COMMUNICATIONS, LLC,
NETGEAR, INC., D-LINK SYSTEMS, INC.,
CISCO SYSTEMS, INC., AVAYA INC., and
VONAGE AMERICA, INC.

Defendants.

AGREED ORDER OF DISMISSAL

CAME ON TO BE CONSIDERED the Agreed Motion To Dismiss With Prejudice of Barry W. Thomas ("Thomas") and Level 3 Communications, LLC ("Level 3"). The Court is of the opinion that the motion should be GRANTED.

IT IS THEREFORE ORDERED that the above-entitled cause and all claims made by Thomas against Level 3 and all claims made by Level 3 against Thomas therein are hereby DISMISSED with prejudice to the re-filing of same. All costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same.

This is a final judgment.

Signed: July 5, 2006



Robert J. Conrad, Jr.
Chief United States District Judge

